

DEFENDANT LOWE'S HOME CENTERS, INC.'S MOTION TO WITHDRAW AND TO SUBSTITUTE COUNSEL (UNOPPOSED)

Defendants.

- Defendant Lowe's Home Centers, Inc. ("Lowe's") asks this Court to allow 1.0 Bruce J. Rose of the law firm of Alston & Bird, LLP., John A. Dondrea of the law firm of Sidley Austin Brown & Wood, and Russell S. Wheatley formerly of the law firm of Sidley Austin Brown & Wood, to withdraw as its attorneys from this lawsuit and allow Phillip B. Philbin and Theodore G. Baroody of the law firm of Haynes and Boone LLP to substitute as lead counsel for Lowe's.
- 2.0 Plaintiffs Lamps Plus, Inc. and Pacific Coast Lighting have sued defendants for patent infringement. All defendants, including Lowe's, deny Plaintiffs' claims.
- 3.0 Lowe's desires to substitute new attorneys to represent it and allow its current counsel to withdraw from the lawsuit is related to the assumption of its defense pursuant to an indemnification agreement.

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4.0

- The withdrawal and substitution of attorneys is not for purposes of delay, but so that justice may be done. Phillip B. Philbin and Theodore G. Baroody of the law
- firm of Haynes and Boone LLP currently represent all the other named defendants in this matter.
 - 5.0 Counsel for Plaintiff does not oppose this Motion.

WHEREFORE, Defendant asks the Court to enter an Order stating that Phillip B. Philbin and Theodore G. Baroody of the law firm of Haynes and Boone LLP are lead counsel for Lowe's, and that Bruce J. Rose of the law firm of Alston & Bird, LLP., John A. Dondrea of the law firm of Sidley Austin Brown & Wood, and Russell S. Wheatley formerly of the law firm of Sidley Austin Brown & Wood, and all other prior counsel, are permitted to withdraw as its attorneys in this lawsuit.

Respectfully submitted,

Phillip B. Philbin Attorney-in-Charge)

State Bar No. 15909020 Theodore G. Baroody State Bar No. 01797550

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ATTORNEYS FOR DEFENDANTS PATRICK S. DOLAN, DESIGN TRENDS, LLC, LOWE'S HOME CENTERS, INC., AND CRAFTMADE INTERNATIONAL, INC.

AGREED:

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ATTORNEYS FOR DEFENDANT LOWE'S HOME CENTERS, INC.

CERTIFICATE OF CONFERENCE

On December 23, 2002, the undersigned counsel conferred with counsel for Plaintiffs who confirmed that this motion is unopposed.

Theodore G. Baroody

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing motion was served in accordance with the Federal Rules of Civil Procedure via First Class U.S. Mail, postage prepaid, on the known counsel of record listed below:

> Dan D. Davison FULBRIGHT & JAWORSKI, LLP 2220 Ross Avenue, Suite 2800 Dallas, Texas 75201

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Dated: January 6, 2003

Theodore G. Baroody